IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.5l50 of 2005

Mahatma Gandhi Seva Mandir. Petitioner

vs

State of Maharashtra and ors..Respondents

Mr.P.N Karlekar for petitioners
Ms Bhende AGP for respondent State

CORAM:F.I.REBELLO & Smt R.S.DALVI JJ.

Dated 2l.ll.2005

P.C:

. Rule. Heard forthwith.

l. On behalf of the respondent no. 5, the learned counsel sought adjournment. The request was rejected as on the last occasion the respondent. no. 5 had sought adjournment and same was granted.

2. The grievance of the petitioner is that it is the petitioner who had started the school and now respondent no.4 is managing the school. The respondent no. 4 without consultation with the petitioner had applied to the respondent no. 2 for transfer of the management to respondent no. 5. Initially by order dated l3.8.2002 the respondent no. 2 had stayed the administrative transfer of

the school. That order was vacated by order dated 7.6.2005. It is the grievance of the petitioner that the said order was passed without hearing the petitioner. One more grievance of the petitioner is that the information sought for has not been made available by respondent no. 2. The respondent no. 2, if petitioner seeks information, which is available to him under the provisions of the Right to Information Act, make it vailable. Even otherwise considering the controversy we see no difficulty to respondent no. 2 permitting the petitioner to examine the record and thereby apply for such documents to which in law they are entitled.

3. On behalf of the respondent nos.l,2 and 3 the learned AGP points out that the record indicates that the petitioner has not been heard. Once that be the case the communication dated 7.6.2005 is set aside and the matter is remanded back to the respondent no. 2 for reconsideration and to pass fresh order after hearing the petitioner and respondent nos. 4 and 5. In the meantime the present management as existing will continue, subject to the order to be passed by the respondent no. 2. The respondent no 2 is directed to take decision within 8 weeks from today. Rule is made

absolute accordingly with no order as to costs.